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Appl. No. 09/714,713***Amendments to the Claims***

The listing of claims will replace all prior versions, and listings of claims in the application.

1. *(currently amended)* A method for processing data packets to be transmitted by a cable modem on an upstream channel of a cable transmission system, the method comprising:

 sending on the upstream channel a request for an amount of bandwidth to transmit a data packet;

 receiving a grant of an amount of bandwidth and a transmission time period to transmit data in response to the request;

 comparing the requested amount of bandwidth with the granted amount of bandwidth;

 transmitting the entire data packet on the upstream channel during the transmission time period if the requested amount is ~~no larger than~~ less than or equal to the granted amount;

 fragmenting the data packet into a plurality of portions if the requested amount is larger than the granted amount, one of the portions being ~~no larger than~~ less than or equal to the granted amount; and

 transmitting the one portion that is ~~no larger than~~ less than or equal to the granted amount on the upstream channel during the transmission time period if the requested amount is larger than the granted amount.

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2. (original) The method of claim 1, in which the data packet to be transmitted has a given total length, the method additionally comprising determining a burdened PHY length from the given total length based on the burden imposed by the transmission format, and the sending step sends a request for the burdened PHY length.

3. (original) The method of claim 2, in which the receiving comprises receiving a burdened PHY length and determining the granted amount based on the burden imposed by the transmission format.

4. (currently amended) The method of claim 1, additionally comprising if the requested amount is larger than the granted amount:

sending on the upstream channel an additional request for an amount of bandwidth to transmit the remaining portion or portions of the data file;

receiving an additional grant of an amount of bandwidth during an additional transmission time period to transmit data in response to the additional request;

comparing the amount of bandwidth of the additional request with the amount of bandwidth of the additional grant;

transmitting the entire remaining portion of the data packet on the upstream channel during the additional transmission time period if the additional requested amount is ~~no larger than~~ less than or equal to the additional granted amount.

5. (currently amended) The method of claim 4, additionally comprising:
fragmenting the remaining portion of the data packet into a plurality of additional portions if the additional requested amount is larger than the additional granted amount.

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one of the additional portions being ~~no larger than~~ less than or equal to the additional granted amount; and

transmitting the one additional portion on the upstream channel during the additional transmission time period if the additional requested amount is larger than the additional granted amount.

6. (original) The method of claim 4, in which sending an additional request comprises transmitting the additional request with the one segment in piggyback fashion on the upstream channel.

7. (original) The method of claim 6, in which the additional request and the one segment with which the additional request is transmitted are encapsulated together in a PDU packet having a header that signals the presence of the additional request.

8. (original) The method of claim 1, in which the grant is received in one of a plurality of MAP messages, the method additionally comprising if the requested amount is larger than the granted amount:

after receiving the grant, checking the one MAP for an additional grant or a grant pending; and

sending on the upstream channel an additional request for an amount of bandwidth to transmit the remaining segment or segments of the data file if the one MAP contains no additional grant or grant pending.

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9. *(original)* The method of claim 8, in which sending an additional request comprises transmitting the additional request with the one segment in piggyback fashion on the upstream channel.

10. *(original)* The method of claim 9, in which the additional request and the one segment with which the additional request is transmitted are encapsulated together in a PDU packet having a header that signals the presence of the additional request.

11. *(currently amended)* The method of claim 9, additionally comprising if the one MAP contains an additional grant:

receiving in the additional grant a granted amount of bandwidth and a transmission time period to transmit data;

comparing the additional requested amount of bandwidth with the additional granted amount of bandwidth;

transmitting the entire data file on the upstream channel during the transmission time period if the additional requested amount is ~~no larger than~~ less than or equal to the additional granted amount;

fragmenting the data file into a plurality of segments if the additional requested amount is larger than the additional granted amount, one of the segments being ~~no larger than~~ less than or equal to the additional granted amount; and

transmitting the one segment on the upstream channel during the transmission time period if the additional requested amount is larger than the granted amount.

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12. (*currently amended*) The method of claim 1, in which data packets to be transmitted on the cable system are stored in a queue, the method additionally comprising if the requested amount is ~~no larger than~~ less than or equal to the granted amount:

checking the queue for data packets to be transmitted; and
sending on the upstream channel an additional request for an amount of bandwidth and transmission time period to transmit one of the data packets in the queue.

13. (*original*) The method of claim 12, in which sending an additional request comprises transmitting the additional request with the one segment in piggyback fashion on the upstream channel.

14. (*original*) The method of claim 13, in which the additional request and the one segment with which the additional request is transmitted are encapsulated together in a PDU packet having a header that signals the presence of the additional request.

15. (*original*) The method of claim 1, additionally comprising receiving request acknowledgments, setting a timer each time a request is sent, and resending the request after the timer expires if no acknowledgment has been received.

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16. *(previously presented)* The method of claim 15, additionally comprising:

- repeating the steps of receiving request acknowledgements, setting a timer each time a request is sent, and resending the request after the timer expires if no acknowledgment has been received;
- counting the number of times the request is resent; and
- discarding the data packet without upstream transmission and terminating the repeating step if the request is resent a predetermined number of times.

17. *(currently amended)* A cable modem for operating with a cable transmission system comprising:

- means for requesting an amount of bandwidth on the cable system to transmit data;
- means for receiving a grant of an amount of bandwidth to transmit data in response to the request;
- means for comparing the requested amount of bandwidth with the granted amount of bandwidth;
- means responsive to the comparing means for fragmenting the data to be transmitted into a plurality of segments if the requested amount is larger than the granted amount, one of the segments being ~~no larger than~~ less than or equal to the granted amount;
- means responsive to the grant for transmitting the data to be transmitted to the cable system if the requested amount is ~~no larger than~~ less than or equal to the granted amount; and

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means responsive to the grant for transmitting the one segment that is ~~no larger~~
~~than less than or equal to~~ the granted amount to the cable system if the requested amount
is larger than the granted amount.

18. *(original)* The cable modem of claim 17, additionally comprising means
responsive to one or more subsequent grants for sequentially transmitting the remaining
segment or segments to the cable system if the requested amount is larger than the
granted amount.

19. *(original)* The cable modem of claim 17, additionally comprising means
for transmitting with the one segment an additional request for an amount of bandwidth
sufficient to transmit the remaining segments.

20. *(currently amended)* The cable modem of claim 19, additionally
comprising means for receiving an additional grant of an amount of bandwidth to
transmit data in response to the additional request;

means for additionally comparing the additionally requested amount of
bandwidth with the additionally granted amount of bandwidth;

means responsive to the additional comparing means for fragmenting the data to
be transmitted into a plurality of additional segments if the additionally requested
amount is larger than the additionally granted amount, one of the segments being ~~no~~
~~larger than less than or equal to~~ the additionally granted amount;

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means responsive to the additional grant for transmitting the data to be transmitted to the cable system if the additionally requested amount is ~~no larger than~~ less than or equal to the additionally granted amount; and

means responsive to the additional grant for transmitting the additional one segment to the cable system if the additional requested amount is larger than the additional granted amount.

21. (original) The cable modem of claim 17, additionally comprising means for transmitting with the one segment an additional request in a piggyback field for an amount of bandwidth sufficient to transmit the remaining segments.

22. (original) The cable modem of claim 21, in which the grant receiving means is capable of receiving an original grant, one or more additional grants, and/or one or more pending grants in the same MAP, the cable modem additionally comprising:

means for sensing the presence of additional grants or pending grants in said MAP; and

means for setting the piggyback field to zero when the presence of additional grants or pending grants is sensed in said MAP to prevent transmission of any additional requests.

23. (original) The cable modem of claim 17, in which the requesting means takes overhead into account in the amount of bandwidth.

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24. (*original*) The cable modem of claim 23, in which the fragmenting means takes overhead into account in the one segment.

25-30. (*canceled*)

31. (*previously presented*) The cable modem of claim 17, further comprising:
timer means for setting the time when a request is transmitted;
means for receiving a request acknowledgement; and
means for resending the request if no request acknowledgement is received before said timer means expires.

32. (*previously presented*) The cable modem of claim 31, further comprising:
means for counting a number of times the request is resent; and
means for discarding a respective data packet when the number of times the request is resent exceeds a predetermined number of times.

33. (*previously presented*) The cable modem of claim 21, wherein said means for transmitting encapsulates the additional request and the one segment with which the additional request is transmitted together in a PDU packet having a header that signals the presence of the additional request.

34. (*previously presented*) The cable modem of claim 22, wherein when the absence of additional grants or grants pending is sensed in said MAP, an additional

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request is transmitted in the piggyback field for an amount of bandwidth sufficient to transmit the remaining segments.